

REMARKS

Claims 1-8 are pending in this application. By this Amendment, claims 1 and 6 are amended. Support for the amendments to claims 1 and 6 can be found, at least, at page 10, line 7 - page 12, line 14, for example. As such, no new matter is added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

I. Claim Rejections Under 35 U.S.C. §103

The Office Action rejects claims 1-6 under 35 U.S.C. §103(a) as allegedly unpatentable over Fujio (Japan Patent Application Publication No. 11-214025) in view of Wheat (U.S. Patent No. 6,727,013); and rejects claims 7 and 8 under 35 U.S.C. §103(a) as allegedly unpatentable over Fujio in view of Wheat and Iwasaki (U.S. Patent No. 6,497,972). Applicants respectfully traverse the rejections.

Applicants respectfully submit that the applied references fail to disclose or render obvious, at least, a control device that controls a fuel cell system to operate intermittently by switching between a power generation state and a power generation stop state of a fuel cell, wherein it is determined whether to stop power generation operation during intermittent operation based on at least a temperature of a specific component that is external to the fuel cell and that contains moisture, from among a plurality of components constituting the fuel cell system, and the temperature of the specific component is measured while the operation of the fuel cell system is being carried out, as recited by independent claim 1, and similarly by independent claim 6.

Specifically, the Office Action relies on the abstract of Fujio as allegedly disclosing these features. As asserted by the Office Action, in a freeze operation mode, if the ambient temperature of the apparatus of Fujio is identified as being a fixed threshold or lower, the control device 92 causes the fuel cell 42 to generate heat (i.e., start power generation). In other words, the temperature used to determine whether or not to start power generation of

the fuel cell of Fuji is acquired while the fuel cell is stopped (i.e., not generating power). The fuel cell of Fuji stops power generation, and in a freeze proof mode, the temperature of the ambient is monitored (while the fuel cell is not generating power). Finally, if the measured temperature is below the threshold value, only then is power generation started.

In sharp contrast, independent claim 1, and similarly independent claim 6, recites, *inter alia*, the temperature of the specific component is measured while the operation of the fuel cell system is being carried out, and it is determined whether to stop power generation operation during intermittent operation based on at least a temperature of a specific component. Fuji does not measure the temperature of the ambient while the operation of the fuel cell system is being carried out and thus cannot determine whether to stop power generation based on a temperature of a specific component measured while the operation of the fuel cell system is being carried out.

Accordingly, the applied references fail to disclose or render obvious a control device that controls a fuel cell system to operate intermittently by switching between a power generation state and a power generation stop state of a fuel cell, wherein it is determined whether to stop power generation operation during intermittent operation based on at least a temperature of a specific component that is external to the fuel cell and that contains moisture, from among a plurality of components constituting the fuel cell system, and the temperature of the specific component is measured while the operation of the fuel cell system is being carried out, as recited by independent claim 1, and similarly by independent claim 6.

Wheat and Iwasaki fail to cure these deficiencies. Specifically, the abstract of Wheat states: "an energy management system that controls the temperature of a fuel cell system while a vehicle is not running," and thus clearly does not measure a temperature of a specific component while the operation of the fuel cell is being carried out. Iwasaki is directed to the control of operating pressure of a fuel cell and only makes determinations based on the temperature of the

exhaust gas from the condenser, and thus does not control its system based upon a temperature of a specific component that is external to the fuel cell.

Accordingly, the applied references fail to disclose or render obvious each and every element of independent claims 1 and 6. As such, independent claims 1 and 6 are patentable. Dependent claims 2-5, 7, and 8 are also patentable, at least, for their dependency on independent 1, as well as for the additional features they recite.

As such, Applicants respectfully request withdrawal of the rejections.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Petition for Extension of Time

Request for Continued Examination

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